

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

03 Cr. 562 (RWS)

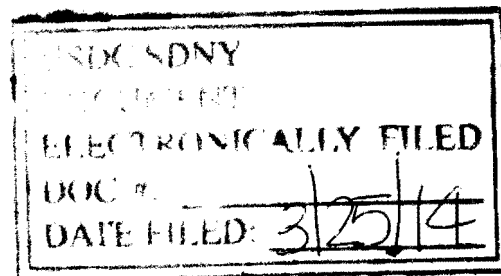
OPINION

TODD EBERHARD,

Defendant.

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Sweet, D.J.



On February 4, 2014, "in light of the Government's production of the relevant accounting history and willingness to review any specific payments Defendant believes were incorrectly made, and to adjust Defendant's balance accordingly," Defendant's motion for an accounting of his payments and an amended restitution order, filed December 18, 2013, was dismissed as moot.

Defendant's amended motion claims that according to the Federal Court systems Southern District of New York Case Inquiry Report (the "Report") from the Clerk of the United States District Court, the Government has not accounted for the

"sum of \$1,002,552.58 shown on Defendant's 09/08/10 printout, this being the balance in Defendant's restitution account through that date, and those funds have not been credited to the Defendant's payment history." (Amended Motion at 1, ¶ 3.)

Defendant misinterprets the Report. The Report shows that as of September 8, 2010, Defendant has paid a total of \$2,304,220.65, and that the balance owed is \$17,561,192.01. (See Report at 1.) The "total balance due" on page 3 (see Report at 3) is the balance in the Court's account that is to be distributed to the victims. In other words, as of September 8, 2010, the Clerk was holding \$1,002,552.58 in its account for distribution to the victims of Eberhard's fraud.

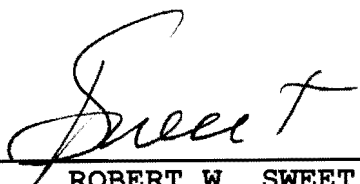
Defendant also claims that the Government has not credited his payments from *American International Specialty Lines Insurance Company v. Freed et al.*, 06 cv 0823 (C.D. Cal.). (See Amended Motion at 1, ¶ 2.) According to the Government, the Clerk of the Court has informed the government that it has obtained information regarding payments made to the victims in the *American International* case, but is awaiting information from the *American International* Special Master regarding payments, in order to ensure that the victims in this action are properly compensated. This assertion is credited. The

Government maintains that it will inform the Defendant of any additional payments/credits that are applied to his account as soon as the Clerk completes its review. This is sufficient.

In light of the foregoing, Defendant's Amended Motion is denied.

It is so ordered.

New York, NY  
March 25, 2014

  
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ROBERT W. SWEET  
U.S.D.J.